

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

P.R., a minor, by and through London Reed, Guardian and Next Friend, <i>et al.</i> ,  Plaintiffs,  v.  The City of Jackson, Mississippi; Chokwe A. Lumumba, Jr.; Tony Yarbor; Kishia Powell; Robert Miller; Jerriot Smash; Mississippi Department of Health; Jim Craig; Trilogy Engineering Services, LLC; and John Does 1- 40,  Defendants.	Case No. 3:23-cv-00243-CWR-LGI
--	--------------------------------

**DEFENDANTS JIM CRAIG AND MISSISSIPPI  
DEPARTMENT OF HEALTH’S MOTION TO DISMISS**

Defendants Jim Craig and the Mississippi Department of Health (collectively “the State Defendants”) move for dismissal of Plaintiffs’ claims in this action. In support of this Motion, the State Defendants state as follows:

1. This is Plaintiffs’ second lawsuit relating to their alleged exposure to lead in the City of Jackson’s drinking water. They previously filed an identical lawsuit on October 19, 2021. *See P.R. v. City of Jackson*, No. 3:21-cv-00667-CWR-LGI (S.D. Miss.) (“*Reed I*”). The named defendants, factual allegations, and legal claims in this case are the same as in *Reed I*.

2. The State and City Defendants previously moved to dismiss Plaintiffs’ claims in *Reed I*, and this Court granted those motions in part. *See J.W. by and through Williams v. City of Jackson, Miss.*, 2023 WL 2617395 (S.D. Miss. Mar. 23, 2023).<sup>1</sup> As a result of this Court’s ruling,

---

<sup>1</sup> This Court consolidated this case with *J.W.* for the purposes of early motions practice and discovery and provided that its rulings on the defendants’ motions to dismiss in *J.W.* would also apply to this case. *See* Doc. 110, *J.W. v. City of Jackson*, No. 3:21-cv-00663-CWR-LGI (S.D. Miss. Jul. 20, 2022).

Craig and the individual City Defendants were dismissed from *Reed I*. This Court also dismissed Plaintiffs' negligence claim against the City Defendants without prejudice because they had failed to comply with the Mississippi Tort Claims Act's notice-of-claim requirement.

3. Following the ruling in *Reed I*, Plaintiffs filed their Complaint in this case. Although filed for the purpose of reinstating their negligence claim against the City Defendants, the Complaint also reasserts the same Section 1983 and negligence claims against Craig that this Court dismissed in *Reed I*, as well as the negligence claim against MSDH that is still pending in *Reed I*.

4. The claims against the State Defendants in this later-filed action are duplicative of those in *Reed I* and should be dismissed as a matter of judicial economy. Craig should not have to defend against claims that have already been dismissed by this Court in an identical action involving the same parties, and MSDH should not have to defend against identical negligence claims by the same 583 Plaintiffs in two separate cases.

5. In the alternative, the State Defendants incorporate and adopt their Motion to Dismiss and supporting briefing filed in *Reed I*. The parties anticipate that the Court may extend its ruling in *Reed I* to apply in this identical action.

6. Defendants rely on their contemporaneously filed supporting memorandum, as well as the following exhibits:

- **Exhibit A:** State Defendants' Motion to Dismiss filed in *Reed I*
- **Exhibit B:** Memorandum of Law Supporting State Defendants' Motion to Dismiss filed in *Reed I*
- **Exhibit C:** Reply Brief Supporting State Defendants' Motion to Dismiss filed in *Reed I*

**CONCLUSION**

7. For the foregoing reasons, the State Defendants respectfully request that this Court issue an Order dismissing Plaintiffs' claims against them.

Respectfully submitted, this the 5<sup>th</sup> day of June 2023.

MISSISSIPPI STATE DEPARTMENT OF  
HEALTH AND JIM CRAIG

By: /s/ Meade W. Mitchell

Meade W. Mitchell, MB #9649

ONE OF THEIR ATTORNEYS

OF COUNSEL:

Meade W. Mitchell, MB # 9649  
Orlando R. (Rod) Richmond, MB # 9885  
Edderek (Beau) Cole, MB # 100444  
Margaret Z. Smith, MB # 104178  
BUTLER SNOW LLP  
1020 Highland Colony Parkway, Suite 1400  
Ridgeland, MS 39157  
Tel: 601-985-4560  
[Meade.Mitchell@butlersnow.com](mailto:Meade.Mitchell@butlersnow.com)  
[Orlando.Richmond@butlersnow.com](mailto:Orlando.Richmond@butlersnow.com)  
[Beau.Cole@butlersnow.com](mailto:Beau.Cole@butlersnow.com)  
[Margaret.Smith@butlersnow.com](mailto:Margaret.Smith@butlersnow.com)

Charles F. (Chip) Morrow, MB #10240  
BUTLER SNOW LLP  
6075 Poplar Avenue, Suite 500  
Memphis, TN 38110  
Tel: 901-680-7200  
[Chip.Morrow@butlersnow.com](mailto:Chip.Morrow@butlersnow.com)

Gerald L. Kucia, MB #8716  
Special Assistant Attorney General  
OFFICE OF THE ATTORNEY  
GENERAL  
Post Office Box 220  
Jackson, Mississippi 39205-0220  
Tel.: (601) 359-4072  
Fax: (601) 359-2003  
[Gerald.kucia@ago.ms.gov](mailto:Gerald.kucia@ago.ms.gov)

**CERTIFICATE OF SERVICE**

I, Meade W. Mitchell, one of the attorneys for Defendant Mississippi State Department of Health and Jim Craig, do hereby certify that I have this day served a true and correct copy of the above and foregoing document by filing it using the ECF system which sent notice of such filing to all counsel of record.

SO CERTIFIED, this the 5<sup>th</sup> day of June 2023.

/s/ Meade W. Mitchell

MEADE W. MITCHELL

80078606.v1